

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANTHONY VIOLA,

Plaintiff,

v.

DAVE YOST, *et al.*,

Defendant.

:
:
:
:
:
:
:
:
:
:

CASE NO. 2:21-cv-3088

Chief Judge Algenon L. Marbley

Magistrate Judge Elizabeth P. Deavers

ORDER


This matter comes before this Court on Defendants' Motion to Impose Pre-Filing Restrictions on Plaintiff. (ECF No. 68). In 2011, Plaintiff Anthony Viola was convicted in federal court of thirty-three counts of wire fraud and two counts of conspiracy and was sentenced to 150 months in prison. *United States v. Viola*, No. 1:08-cr-0506-DCN-6, ECF No. 363 (N.D. Ohio Jan. 13, 2012). (ECF No. 68 at 2). Since his conviction, Plaintiff has filed numerous civil actions raising prosecutorial misconduct and challenging his conviction and sentence, which have been dismissed. (*Id.* at 3). On March 4, 2022, this Court declared Plaintiff Viola a vexatious litigant and permanently enjoined him from making future filings in any federal court in the Southern District of Ohio unless he first seeks and obtains leave of court in accordance with certain filing requirements as set out in the March 4, 2022 Order. (ECF No. 59 at 16–19).

On August 31, 2022, the Clerk of Court received a new Motion from Plaintiff. The Motion was not filed on the docket as it failed to meet the pre-filing restrictions already in place. Plaintiff also served a copy of the Motion on Defendants. Defendants now ask this Court to impose an additional filing restriction, which would require Plaintiff to receive telephonic approval from this Court prior to filing any new motions. (ECF No. 68 at 9).

Defendants' Motion (ECF No. 68) is **DENIED AS MOOT**. While this Court finds Plaintiff to be a vexatious and frivolous filer, this Court has already permanently enjoined Plaintiff from filing absent obtaining this Court's approval. (ECF No. 59). Further, this Court finds that requiring telephonic approval constitutes an unnecessary waste of judicial resources. Plaintiff is **ORDERED** to cease filing documents that fail to meet the prefiling restriction requirements set out in the March 4, 2022 Order. (ECF No. 59). Further, the Clerk's Office is **DIRECTED** to not file anything in this case, unless Plaintiff's filing meets the requirements set out in the March 4, 2022 Order. (*Id.*). Any mail sent to this Court will be returned to Plaintiff without being filed on the docket.

This Court will not entertain any motions for reconsideration of this Order, motions to set aside judgment, or any other motions pertaining to this decision.

IT IS SO ORDERED.


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: May 30, 2023